

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**SWISSMARINE PTE. LTD.,**

**Plaintiff,**

**v.**

**AES ANDES S.A. (f/k/a AES GENER S.A.)**

**Defendant.**

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**CIVIL ACTION NO.**

**24-cv-\_\_\_\_\_**

**ADMIRALTY RULE 9(h)**

**DECLARATION OF EVA-MARIA MAYER  
THAT THE DEFENDANT CANNOT BE FOUND WITHIN THE DISTRICT**

Pursuant to 28 U.S.C. § 1746, this Declaration is executed by Eva-Maria Mayer, counsel for Plaintiff, SwissMarine Pte. Ltd. (“**Plaintiff**”), in order to seek issuance of a Writ of Maritime Attachment and Garnishment in the above-captioned action.

1. I am an attorney at the law firm of Floyd Zadkovich (US) LLP, counsel for Plaintiff in the above captioned matter.

2. I submit this Declaration in support of Plaintiff’s request for the issuance of Process of Maritime Attachment and Garnishment of the property of Defendant AES Andes S.A. (f/k/a AES Gener S.A.), pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure (“**Supplemental Rule B**”).

3. I have researched and inquired whether Defendant has a presence or can be found within this District for the purposes of Supplemental Rule B.

4. I have reviewed the database of business entities on file with the New York Secretary of State. I saw no indication that, as of the date of this declaration, Defendant has

registered as a foreign corporation to do business pursuant to the laws of New York or has nominated or appointed any agent for service of process located within the District.

5. A general internet search via Google identified no information suggesting Defendant has sufficient presence within this District so as to be “found” for the purposes of Supplemental Rule B.

6. A search in the New York White Pages online also did not identify information suggesting Defendant has sufficient presence within this District so as to be “found” for the purposes of Supplemental Rule B.

7. A search of Defendant’s website ([www.aesandes.com](http://www.aesandes.com)) also did not identify information suggesting Defendant has sufficient presence within this District so as to be “found” for the purposes of Supplemental Rule B.

8. I am unaware of any general or managing agent(s) of Defendant within this District.

9. I have found no other indication that Defendant can be found within this District for the purposes of Supplemental Rule B.

10. I have formed a good faith belief that Defendant’s lack of presence for service within this District supports maritime attachment under Supplemental Rule B. It is my belief, based upon the foregoing, that Defendant cannot be found within this District for the purposes of Supplemental Rule B.

11. Attached hereto as **Exhibit A** is an excerpt of a true and correct copy of a document titled “Form 10-Q, Quarterly Report Pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 For the Quarterly Period Ended September 30, 2024” appearing to have been filed by or on behalf of “The AES Corporation”.

12. Attached hereto as **Exhibit B** is a true and correct copy of an article titled “AES Andes to Sell \$224M Electricity-Linked Pay Documents to IIC”, dated October 8, 2024.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: November 14, 2024, New York

/s/ Eva-Maria Mayer

Eva-Maria Mayer